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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,178	10/21/2005	Alan Timothy Gibbs	30451/04014	7862
24024	7590	02/06/2007		
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			EXAMINER VENNE, DANIEL V	
			ART UNIT	PAPER NUMBER
			3617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/554,178	Applicant(s) GIBBS, ALAN TIMOTHY	
	Examiner Daniel V. Venne	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 1 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Copy of foreign reference</u> . |

DETAILED ACTION

Claim Objections

1. Claims 1 and 7 are objected to because of the following informalities:

The term “planning” in claim 1 is misspelled and should be --planing--.

The term “actuating” on line 2 in claim 7 is misspelled and should be --actuating--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the part". There is insufficient antecedent basis for this limitation in the claim.
5. Claim 2 recites the limitations "wheel" and "the wheels". There is insufficient antecedent basis for these limitations in the claim.
6. Claim 3 recites the limitation “road and marine steering”. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 8 recites the limitation “front steered axle”. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 9 recites the limitation “steered marine propulsion unit”. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gere et al. (US 5590617). Gere et al. shows all of the claimed features, including planning hull [16], marine propulsion unit [54], powered assisted transversely mounted element (rack and pinion steering system) [150] with actuating rod [152] in front of steering column and arranged for transverse movement, flexible coupling (push-pull cable) [176] connecting actuating rod to a steerable part of a marine propulsion unit, and wheel links arranged to fold upwards on retracting the wheels, as generally claimed (see Figs. 1-3, 6, 7-9, and 11-13). Road and marine steering can be operated simultaneously during road use.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gere et al. (US 5590617), in view of Bufler Ernst (DE 3820967 A1). Gere et al. shows all of the claimed features, with the exception of being fitted with more than one steered axle, as claimed. Bufler Ernst (cited by applicant) shows more than one steered axle with steering provided in part by cable means [9]. Therefore, it would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains to provide an additional steerable means for the wheels on the secondary axle as taught by Buffler Ernst by modifying the cable connections and mechanisms of Gere et al. to include steering capability for the additional axle. The motivation would have been to provide a more versatile and maneuverable vehicle for land operation.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gere et al. (US 5590617). Gere et al. shows all of the claimed features, with the exception of being fitted with more than one steered marine propulsion unit. Providing more than one marine propulsion unit is considered a design choice depending on power needs and performance desired for use for marine operation.. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an additional marine propulsion unit with Gere et al. as a design choice. The motivation would have been to provide a more versatile, maneuverable and powerful vehicle for water operation.

Conclusion

14. Claim 10 is cancelled as indicated in preliminary amendment dated 10/21/2005.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schad (US 5769021) and Bryham (US 7004801 B2) both disclose amphibious vehicles craft with retractable wheels and power assisted steering.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be

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reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (In USA or CANADA) or 571-272-1000.

DW
D.V.V.

2 February 2007

Jesus D. Sotelo
JESUS D. SOTELO
PRIMARY EXAMINER
A. U. 3617